

Senate Bill 237  
February 13, 2013  
Presented by Paul Sihler  
Senate Natural Resources Committee

Mr. Chairman and members of the committee, for the record, my name is Paul Sihler and I am the Administrator of the Field Services Division of Montana Fish, Wildlife & Parks (FWP). I rise in opposition to SB 237.

For all practical purposes, the No Net Gain requirement in SB 237 is not implementable and places a moratorium on land acquisition by FWP, with the exception of fishing access sites under five acres in size.

FWP's mission includes the conservation of fish and wildlife habitat and the acquisition of sites for public recreation. The Department purchases land for fishing access sites, fish and wildlife habitat, hunting opportunity and state parks. Montanans care about these purposes, and they care enough that in most recent years FWP has received at least one donation of a parcel of land for a state park or fishing access site. We have also received the entirety of a multi-million dollar estate that was donated to FWP for the sole purpose of acquiring mule deer habitat in the Lewistown area.

We have attempted to sell Department land in the past, and found it very difficult to do. What we have learned is that once the public begins recreating on a fishing access site, state park or wildlife management area, that parcel gains a constituency. And those constituents typically don't want to see us dispose of that property. For example, under the Martz Administration the FWP Commission was determined to dispose of some "unneeded" Department land. Staff identified a parcel in the Flathead area that didn't fit with our management needs (it was a landlocked fishing access site) and the Commission proposed to sell it. That resulted in such a public uproar that the Commission dropped the proposal.

Another example: Just this past year FWP and DNRC proposed a land exchange where the Department was to dispose of the Robb-Ledford Wildlife Management Area near Alder, MT to DNRC in exchange for a number of DNRC in-holdings within other FWP wildlife management areas. All the land would have remained in state ownership -- it just would have transferred from one agency to the other. After multiple meetings, a public hearing in Butte, and dozens of letters, emails and phone calls from upset members of the public the Land Board dropped the proposal from further consideration.

Mr. Chairman and members of the committee, the takeaway message is that land acquisitions are one of the most popular activities FWP undertakes on behalf of sportsmen and recreationists. I understand how No Net Gain might sound like a reasonable concept, but I don't want there to be any confusion about the effect -- as a practical matter, at least for FWP land, SB 237 is really a moratorium on land acquisition except for fishing access sites smaller than five acres.

Thank you for the opportunity to testify today.